

REMARKS

By the present amendment, a substitute specification with sequence numbers and without line numbers in the claims is being submitted. Further, claims 1, 2, 5 and 6 have been amended. Support for the amendment to claim 1 is found in the original specification, in particular on page 6, lines 13-14. The substitute specification does not add new matter.

Claims 1-10 are pending in the present application. The claims are directed to an angiotensin inhibitor.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. 112, second paragraph as indefinite. It is alleged in the Office Action that the phrase "at most 10% by weight" in claim 1 and the term "a residue" in claims 5-6 are unclear. In addition, deletion of line numbers in the claims and addition of sequence numbers in the specification and claims are requested.

Claim 1 has been amended to clarify that the proportion is of at most 10% by weight with respect to a solid portion of the composition, as stated on page 6, lines 13-14 of the specification, and claims 5-6 have been amended to clarify that a residue from extraction of the dried fish with boiled water is used as the fish meat.

Further, a substitute specification with sequence numbers and without line numbers in the claims is submitted concurrently herewith along with a marked-up copy of the original specification. No new matter has been added.

In view of the above, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by any of JP 04-69398 (Masayasu), US 5,369,015 (Yoshikawa), Biosci. Biotech. Biochem., 56 (10), 1541-1545 (Yokoyama), and JP 04-15954 (Suetsuna). It is alleged that each of these references discloses at least one of the peptides listed in claim 2, and that Yoshikawa and Yokoyama disclose extraction of dried bonito by hot water and hydrolysis with thermolysin, while Masayasu and Suetsuna disclose hydrolysis of actin and sardine muscle, respectively.

Reconsideration and withdrawal of the rejection is respectfully requested. In the crude preparations disclosed in Masayasu, Yoshikawa, Yokoyama, and Suetsuna, the proportion of peptide having a molecular weight of at least 5,000 is considerably more than 10% by weight. Thus, these references fail to teach or suggest reducing the proportion of peptide having a molecular weight of at least 5,000 to at most 10% in the composition, as recited in the present claims.

In order to evidence the proportion of peptide in the cited references, a Declaration under Rule 1.132 is being submitted concurrently herewith. Specifically, sample 1 was prepared according to the method disclosed on page 681 of Masayasu, samples 2-6 were prepared according to Examples 1-5 of Yoshikawa, sample 7 was prepared according to the method disclosed on page 1541 of Yokoyama and sample 8 was prepared according to Example 1 of Suetsuna. The experimental results reported in Table 1 on page 5 of the Declaration make clear that the proportion of peptide of at least 5,000 in all the samples is considerably more than 10%.

In contrast, the composition of the present claims, in which the proportion of peptide having a molecular weight of at least 5,000 to at most 10%, has good hue and nice aftertaste without being bitter, as discussed in particular on page 6 of the present specification. This feature of the presently claimed invention and its advantages are not taught or suggested in any of the cited references, and therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Serial Number: 09/663,709

Group Art Unit: 1653

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 01-2340.

Respectfully submitted,

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Encl.: Substitute Specification
 Marked-Up Copy of Original Specification
 Declaration under Rule 1.132
 Petition for One-Month Extension of Time